

TWENTY-SECOND DAY

(Continued)

(Tuesday, February 14, 1939)

The House met at 10:00 o'clock a. m., and was called to order by Speaker Morse.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, we are glad that it is our privilege to resume our efforts to provide helpful and constructive legislation for the guidance of our people. Look upon us in mercy and lead us in Wisdom's ways as we proceed in our work. In Jesus' name. Amen."

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Leonard:

H. B. No. 526, A bill to be entitled "An Act authorizing the Commissioner of Agriculture of this State to establish and maintain quarantine regulations in order to prevent the introduction into or the spread within this State of pests and diseases for the protection of agricultural industry of this State and to provide for the inspection of things and plants with reference to such quarantine, requiring persons to notify the Commissioner of Agriculture of the arrival of such things and plants against which a quarantine has been established and to hold them for inspection, and providing for the disposal of such infected things or plants by the Commissioner of Agriculture and further providing the manner of declaring such quarantines and providing for investigation by the Commissioner of Agriculture in order to determine the existence of such pests and diseases and authorizing him to declare and enforce quarantine in order to prevent the spread thereof, and declaring an emergency."

Referred to the Committee on Agriculture.

By Mr. McAlister, Mr. Hull, Mr. Bradford, Mr. Corry and Mr. Johnson of Tarrant:

H. B. No. 527, A bill to be entitled "An Act to provide for a more ade-

quate and equitable salary of County Superintendents of Public Instruction in all counties of the State of Texas having a population of not less than one hundred and ninety-seven thousand (197,000) and not more than one hundred and ninety-eight thousand (198,000); providing for the traveling expenses and/or office expenses for said offices; and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Loggins:

H. B. No. 528, A bill to be entitled "An Act creating the Texas Greyhound Racing Commission, prescribing the number of members thereof, defining their qualifications, fixing their terms and method of qualification, requiring the members to serve without compensation other than necessary expenses, defining the powers and jurisdiction of the Commission, fixing the places of meeting, directing the employment of an executive secretary and other necessary employees, and limiting their compensation, and providing for payment of expenses of the Commission out of the special fund created by this Act and limiting expenses of the Commission to Twenty-five Thousand (\$25,000.00) Dollars annually; permitting greyhound race meetings and operation of pari-mutuel pools in connection therewith only under license of Commission, and prescribing steps to obtain license as follows: (1) application for permit, (2) form of application and conditions and requisites to issuance of permit, (3) issuance of annual license to holders of approved permits and providing method of obtaining license and fixing license fees; providing for election in county where track is located for approval or rejection of greyhound racing; etc., and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Russell:

H. B. No. 529, A bill to be entitled "An Act authorizing the Livestock Sanitary Commission of Texas to cooperate with the United States Bureau of Animal Industry for the purpose of eradicating Bang's Disease among cattle and requiring the adoption of rules and regulations by the Commission for the purpose of eradi-

cating Bang's Disease under this Act and authorizing the cooperative eradication of Bang's Disease in a county the citizens of which file with the County Commissioners' Court a petition signed by sixty (60%) per cent or more of the cattle owners representing fifty-one (51%) per cent or more of the cattle in the county and requiring the County Commissioners' Court to cooperate upon the filing of such petition; etc., and declaring an emergency."

Referred to the Committee on Livestock and Stock Raising.

By Mr. Reed:

H. B. No. 530, A bill to be entitled "An Act to amend Article 4225 of the Revised Civil Statutes of Texas, 1925, so as to provide for annual accounts and the matter to be shown therein and that guardians shall show in such annual accounts the source and nature of receipts and disbursements, showing principal and income separately, and include in their accounts by reference to former accounts or otherwise an accurate and detailed description of all property, real and personal, on hand belonging to the ward and the condition and use being made thereof, and to require the exhibition of all securities owned by the ward to the court or to a person designated by the court, or the furnishing with their accounts of certain other proof that such assets, together with the cash due the ward, are on hand."

Referred to the Committee on Judiciary.

By Mrs. Gordon:

H. B. No. 531, A bill to be entitled "An Act providing for the use of trot lines in Lake Waco in McLennan County; prescribing when such line may be used, and the kind of trot line that may be used; providing a penalty for violation of this Act; repealing conflicting laws, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Dean:

H. B. No. 532, A bill to be entitled "An Act repealing Chapter 223 of the Acts, 1937, Forty-fifth Legislature, Regular Session, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Harrell of Lamar and Mr. Wells:

H. B. No. 533, A bill to be entitled "An Act providing for the creation of the office of Criminal District Attorney in counties having a population of not less than thirty-two thousand (32,000) and not more than seventy-five thousand (75,000) inhabitants, according to the last preceding Federal Census, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Faulkner:

H. B. No. 534, A bill to be entitled "An Act to amend Section 1 of House Bill No. 31, Acts, 1937, of the Second Called Session of the Forty-fifth Legislature."

Referred to the Committee on Game and Fisheries.

By Mr. Rhodes:

H. B. No. 535, A bill to be entitled "An Act relating to insurance and making it unlawful to engage in the insurance business in Texas, unless same is expressly authorized by the laws of this State; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Cornett:

H. B. No. 536, A bill to be entitled "An Act amending Article 2742f, Revised Civil Statutes of Texas, 1925; providing a saving clause, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Lock:

H. B. No. 537, A bill to be entitled "An Act amending Article 4629, Revised Statutes, 1925, so as to provide for a divorce in case of insanity."

Referred to the Committee on Judiciary.

By Mr. Smith of Frio:

H. B. No. 538, A bill to be entitled "An Act making it an offense for any representative, agent or attorney of any insurance company in this State to misrepresent the provisions of any insurance policy for the purpose of making a sale thereof; prescribing penalties, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Bundy and Mrs. Gordon:

H. B. No. 539, A bill to be entitled "An Act amending Article 3259 of the Revised Civil Statutes of Texas of 1925, relating to the Waco State Home, formerly known as the Home for Dependent and Neglected Children, so as to facilitate the administration of said Home and to provide for more effective training and care of children in need of it and for the placement of certain children of said Home in children's boarding homes at a rate not to exceed One (\$1.00) Dollar per day for each child so boarded; provided that such homes shall be licensed by the Division of Child Welfare, State Board of Control; retaining with said superintendent control and custody of the child so placed as same exists with all other inmates of said Home; providing that children may be placed for adoption in homes approved by said Division of Child Welfare, State Board of Control; declaring an emergency."

Referred to the Committee on State Eleemosynary and Reformatory Institutions.

By Mr. Johnson of Tarrant:

H. B. No. 540, A bill to be entitled "An Act to authorize the State Treasurer and the State Comptroller to transfer certain moneys from the General Fund to the Settlement of Estates Fund, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Hull, Mr. Johnson of Tarrant, Mr. Bradford, Mr. McAlister and Mr. Corry:

H. B. No. 541, A bill to be entitled "An Act amending Article 6871, Title 120, Revised Civil Statutes, 1925, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Felty, Mr. Schuenemann, Mr. Dwyer, Mr. Anderson and Mr. Dickison:

H. B. No. 542, A bill to be entitled "An Act amending House Bill No. 726, Acts of the Forty-fifth Legislature approved May 5, 1937, and creating San Antonio River Canal and Conservancy District under authority of Section 59 of Article 16 of the Constitution of the State of Texas to be a governmental agency, municipality,

body politic and corporate; defining certain words and phrases used therein; defining the boundaries of said District and ways of extending same; declaring creation of this District essential to accomplishment of purposes of Section 59 of Article 16, Constitution of State of Texas; providing the said District shall not levy nor collect taxes nor pledge credit of the State; . . . etc.; providing for enforcement of penalties; providing for duties of State Board of Water Engineers, and Reclamation Engineers; providing for Board of nine Directors, etc."

Referred to the Committee on State Affairs.

By Mr. Smith of Frio:

H. B. No. 543, A bill to be entitled "An Act providing that all bonds which have been heretofore issued and sold in counties with a population of not less than eight thousand, one hundred seventy-eight (8,178) and not more than eight thousand, two hundred seventy-eight (8,278) people, according to the last preceding Federal Census, where the proceeds of the sale of bonds has been expended, in whole or in part, upon highways which have, before the issuance and sale of said bonds, been temporarily or permanently designated as a part of the State Highway System, shall be entitled to participate in the State Highway Fund, under the provisions and restrictions of Chapter 136, Acts of the Forty-third Legislature of Texas, 1933, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Allison:

H. B. No. 544, A bill to be entitled "An Act validating the organization, creation, annexation, and/or change of boundaries of all school districts in counties having a population of not less than two thousand, seven hundred and fifty (2,750), and not more than two thousand, eight hundred and fifty (2,850), according to the last preceding Federal Census, including Common School Districts, Independent School Districts, Consolidated School Districts, all County Line School Districts in which the school building is located in such counties having a population of not less than two thousand, seven hundred and fifty (2,750), and not more than two thousand eight

hundred and fifty (2,850), according to the last preceding Federal Census, Rural High School District, and all other School Districts, groups or annexations of whole districts or parts of districts, whether created by General or Special Laws or by County Boards of Trustees; . . . etc., and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Dickson, Mr. Pevehouse and Mr. Kinard:

H. B. No. 545, A bill to be entitled "An Act to prescribe a privilege tax for the use of the public highways by owners and drivers of motor vehicles by imposing a specific tax upon the use within the State of Texas of liquefied gases and other liquid fuels as defined herein; to prescribe the manner and time of paying such tax and the duties of officials and others respecting such payment and collection; to provide for the licensing of users as defined herein; to fix a time when such tax and interest and penalties thereon become a lien upon the property of persons, firms, associations or corporations, subject to the payment of such tax and to provide for the enforcement of said lien; to provide for certain exemptions and for the disposition of the proceeds of such tax; and to provide penalties for the violation of the provisions herein, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Allison:

H. B. No. 546, A bill to be entitled "An Act amending Chapter 57, Local and Special Laws of the State of Texas, passed at the Third Called Session of the Thirty-sixth Legislature, by changing the name of Blythe County Line Independent School District in Gaines, Terry and Yoakum Counties to Seagraves Independent School District; redefining the boundaries of said school district; providing that all outstanding bonded and other indebtedness of Blythe County Line Independent School District shall be validated and made a valid obligation against the Seagraves Independent School District; providing that title to all public free school property of said Blythe County Line Independent School District shall vest

in said Seagraves Independent School District; providing that in all other respects the rights, powers, duties and obligations imposed upon Blythe County Line Independent School District and its trustees shall not be affected in any manner, and declaring an emergency."

Referred to the Committee on School Districts.

HOUSE JOINT RESOLUTION ON FIRST READING

The following House Joint Resolution, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. McDaniel:

H. J. R. No. 30, Proposing an amendment to Section 51-b of Article III of the Constitution of the State of Texas, giving the Legislature power by General Laws to provide for the payment of old age assistance subject to certain limitation, and fixing the qualifications of recipients of old age assistance and fixing the maximum amount of assistance which may be granted by the State, and providing old age assistance shall not be paid except to persons who are in need and otherwise qualified to receive such assistance; defining the word "need;" providing that old age assistance shall not be construed as a vested right in recipients of old age assistance; providing for authority to accept aid from the Government of the United States for old age assistance; levying and providing for the collection of a transaction tax of one half, of one (.005%) per cent on the amount of actual value passing by each transaction and providing that the payment of such tax be made by the seller of service or commodity, tangible or intangible; defining the words "value," "person" and "transaction" as used in such amendment; and providing what transactions shall be exempt from said transaction tax; providing that production or sale of natural resources of this State shall be subject to such transaction tax and fixing the date such tax shall be paid, and determining the person liable for such tax; etc.

Referred to the Committee on Constitutional Amendments.

ADDITIONAL SIGNERS OF HOUSE BILLS

The following members were authorized to sign bills as co-authors of same, as follows:

Mr. Tennant: House Bill No. 331.

Mr. Hamilton: House Bill No. 364.

Mr. Pevehouse: House Bill No. 364.

MESSAGE FROM THE SENATE

Austin, Texas, February 14, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 96, A bill to be entitled "An Act amending Article 2350 of the Revised Statutes of the State of Texas, providing for the compensation of County Commissioners in any County where the population is less than 20,000 inhabitants and which has a tax valuation of not less than \$17,000,000 and not exceeding \$25,000,000 according to the last approved tax roll and with a total area of less than 950 square miles and not exceeding an area of 980 square miles, and declaring an emergency."

S. B. No. 97, A bill to be entitled "An Act amending Article 3883 of the Revised Statutes of the State of Texas, providing for the maximum compensation of County officials in any County where the population is less than 20,000 inhabitants and which has a tax valuation of not less than \$17,000,000 and not exceeding \$25,000,000 according to the last approved tax roll and with a total area of not less than 950 square miles and not exceeding a square area of 980 square miles, and declaring an emergency."

S. B. No. 107, A bill to be entitled "An Act amending the Acts of 1931, Forty-second Legislature, page 450, Chapter 270, relating to the theft of citrus fruits, and declaring an emergency."

S. B. No. 134, A bill to be entitled "An Act validating and confirming the creation of the Junior College District of Washington County; provided that the college located in said District shall be called Blinn College; providing for the election of the Board of Trustees of said District and prescribing their powers and duties; repealing all laws and parts of laws

in conflict, and declaring an emergency."

S. B. No. 178, A bill to be entitled "An Act providing that in all counties having a total population of not more than fifteen thousand, seven hundred and twenty-five (15,725) and not less than fifteen thousand, seven hundred and fifteen (15,715), according to the last preceding Federal Census, and at the same time in all counties having a scholastic population of not more than five thousand and fifteen (5,015) and not less than five thousand and thirteen (5,013) according to the scholastic census of 1938-1939, any elementary school district in a grouped high school district may by majority vote of its people create an independent school district; providing a method of election therefor, and declaring an emergency."

H. B. No. 150, A bill to be entitled "An Act making an emergency appropriation out of any money in the State Treasury not otherwise appropriated for the operation, support and maintenance, include salaries of the officers and employees, of the Big Spring State Hospital, Big Spring, Texas, until September 1, 1939; for equipment and installation of same in the seven buildings and the power plant of said Hospital; for the construction of a laundry and mattress factory and equipment therefor, for miscellaneous equipment and ground and other improvements for said Hospital, and declaring an emergency." (With amendments.)

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 43 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 43, A bill to be entitled "An Act defining a Commercial Taxidermist, and providing a license for any person, firm or corporation operating as such; providing for disposition of moneys collected as license fees; permitting the sale of hides, antlers and hoofs of deer lawfully killed in this State to Commercial Taxidermists; providing for the keeping of records by licensed taxidermists; repealing all laws in conflict with this Act; providing a suit-

able penalty for violation of any provision of this Act, declaring an emergency and the effective date of this Act."

The bill having heretofore been read second time.

Mr. Kersey offered the following amendment to the bill:

Amend House Bill No. 43, by inserting after the word "taxidermists" whenever the same occurs in the bill, the words, "commercial purchasers of hides," and "tanneries purchasing hides," and further by adding to the end of Section following:

"Only one such license shall be required of any person per year and no license shall be required of any person unless such person purchases and sells deer hides."

KERSEY,
REED.

The amendment was adopted.

House Bill No. 43 was then passed to engrossment.

HOUSE BILL NO. 43 ON THIRD READING

Mr. Petsch moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 43 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—123

Allison	Cockrell
Alsup	Colquitt
Bailey	Cornett
Baker	Corry
of Fort Bend	Crossley
Bell	Davis of Jasper
Blankenship	Davis of Upshur
Bond	Dean
Boyd	Derden
Boyer	Dickson
Bradford	Donaghey
Bridgers	Dowell
Broadfoot	Dwyer
Brown of Cherokee	Felty
Brown	Ferguson
of Nacogdoches	Fielden
Bundy	Fuchs
Burkett	Galbreath
Burney	Goodman
Cauthorn	Gordon, Mrs.
Celaya	Hale
Chambers	Hamilton
Clark	Hardeman
Cleveland	Harp

Harper	Pace
Harrell of Bastrop	Petsch
Harrell of Lamar	Pevehouse
Harris	Piner
Heflin	Pope
Holland	Ragsdale
Howard	Reader of Erath
Howington	Reaves
Hull	Rhodes
Hunt	Riviere
Isaacks	Roach
Johnson of Tarrant	Roberts
Kennedy	Robinson
Kern	Russell
Kerr	Schuenemann
Kersey	Skiles
Kinard	Smith of Frio
King	Smith of Hopkins
Langdon	Spencer
Lehman	Stinson
Leonard	Stoll
Leyendecker	Talbert
Lock	Tarwater
Loggins	Taylor
London	Tennant
Mays	Thornton
McAlister	Turner
McDaniel	Vale
McFarland	Vint
McMurry	Voigt
McNamara	Waggoner
Mohrmann	Weldon
Monkhouse	Wells
Montgomery	Westbrook
Morris	White
Newell	Wilson
Nicholson	Winfree
Oliver	Worley
Olsen	

Nays—6

Allen	Reed
Bray	Thornberry
Hankamer	Wood

Absent

Anderson	Johnson of Ellis
Bradbury	Keith
Coleman	Little
Colson, Mrs.	McDonald
Daniel	Reader of Bexar
Dickson	Segrist
Faulkner	Shell
Gilmer	Smith
Hardin	of Matagorda
Hartzog	Wright

Absent—Excused

Baker of Grayson

The Speaker then laid House Bill No. 43 before the House on its third reading and final passage.

The bill was read third time, and was passed.

RECALLING HOUSE BILL NO. 296 FROM THE SENATE

Mr. Morris offered the following resolution:

H. C. R. No. 36, Recalling House Bill No. 296 from the Senate.

Whereas, House Bill No. 296 finally passed the House Friday, February 3, 1939; and

Whereas, Said bill will work a hardship on the farmers of Texas who are trying to improve the grade and staple of cotton; and

Whereas, Said bill is now in the Senate; therefore be it

Resolved by the House of Representatives, the Senate concurring, That said House Bill No. 296 be returned to the House for the purpose of a more thorough explanation and revision.

The resolution was read second time.

(Pending consideration of the resolution, Mr. Thornton occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Cleveland moved that the resolution by Mr. Morris be tabled.

The motion to table was lost.

Question recurring on the resolution by Mr. Morris, it was adopted.

HOUSE BILL NO. 74 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 74, A bill to be entitled "An Act creating a State Bar, constituting it an administrative agency of the judicial department of the State, defining the powers thereof, prescribing the membership thereof, and prohibiting those not members from practicing law; empowering the Supreme Court to adopt and promulgate rules and regulations for the admission to the practice of law, disciplining, suspending, and disbarring attorneys at law; for the conduct of the State Bar; prescribing a code of ethics governing the conduct of the members prescribing and limiting the fees to be paid by members, collection and disbursement thereof; preserving the right of trial by jury in disbarment proceedings; providing for repeal of

all laws in conflict, and declaring an emergency."

The bill having heretofore been read second time with amendment by Mr. Bond, pending.

(Mr. Leonard in the Chair.)

Mr. Bond withdrew the amendment.

Mr. Bond offered the following amendment to the bill:

Amend House Bill No. 74, by striking out all of Section 4 and inserting in lieu thereof the following:

"Within six months from the effective date of this Act, and from time to time thereafter, as to the Court may seem proper, the Supreme Court of Texas shall prepare and propose rules and regulations for disciplining, suspending, and disbarring attorneys at law; for the conduct of the State Bar; and prescribing a code of ethics governing the professional conduct of attorneys at law. When the Court has prepared and proposed such rules and regulations, it shall submit by mail a copy of each such rule and regulation in ballot form to each registered member of the State Bar for a vote thereon. At the end of thirty (30) days from the time such ballots are mailed, the Court shall count the ballots that have been returned; and each and all of such rules and regulations that have received a majority of the votes cast shall be by said court declared and adopted and shall be promulgated by said court and shall become immediately effective. Such vote shall be open to inspection by any member of the bar. No rule or regulation shall be promulgated that has not received a majority of votes cast in the manner above provided. Nothing herein shall be construed as authorizing the Court to prescribe fees to be charged for legal services rendered by any attorney.

"The Supreme Court is further empowered and it shall be its duty to prescribe fees not exceeding Four Dollars (\$4.00) per annum per person to be paid for the purpose of the administration of this Act."

The amendment was adopted.

Mr. Davis of Upshur offered the following amendment to the bill:

Amend House Bill No. 74, Section 7, by striking the phrase "of the public and" from line 17 as it appears

in the printed bill and also the word "public" from line 21 thereof.

Mr. Stinson moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—104

Allen	Kerr
Allison	Kinard
Alsup	King
Anderson	Langdon
Baker	Leyendecker
of Fort Bend	Little
Bell	Lock
Blankenship	London
Bond	McAlister
Boyd	McDaniel
Boyer	McDonald
Bradbury	McFarland
Bradford	McMurry
Bray	McNamara
Bridgers	Mohrmann
Brown of Cherokee	Monkhouse
Brown	Nicholson
of Nacogdoches	Oliver
Bundy	Olsen
Burney	Pace
Cauthorn	Petsch
Cleveland	Pevehouse
Colquitt	Piner
Colson, Mrs.	Pope
Cornett	Ragsdale
Corry	Reader of Erath
Crossley	Reaves
Daniel	Reed
Dean	Rhodes
Derden	Riviere
Dickson	Roach
Donaghey	Robinson
Faulkner	Russell
Felty	Schuenemann
Ferguson	Segrist
Galbreath	Shell
Gilmer	Skiles
Goodman	Smith of Frio
Gordon, Mrs.	Smith
Hamilton	of Matagorda
Hankamer	Stinson
Hardeman	Stoll
Harper	Tarwater
Harrell of Lamar	Taylor
Harris	Tennant
Hartzog	Thornberry
Holland	Thornton
Hull	Turner
Hunt	Vale
Isaacks	Voigt
Johnson of Ellis	Waggoner
Johnson of Tarrant	Wells

Wilson
Worley

Wright

Nays—23

Bailey	Kersey
Chambers	Lehman
Clark	Newell
Cockrell	Roberts
Davis of Jasper	Smith of Hopkins
Davis of Upshur	Spencer
Fielden	Talbert
Hale	Vint
Harrell of Bastrop	Weldon
Howington	Westbrook
Kennedy	Wood
Kern	

Present—Not Voting

Broadfoot	White
Celaya	

Absent

Burkett	Howard
Coleman	Keith
Dickison	Leonard
Dowell	Loggins
Dwyer	Mays
Fuchs	Montgomery
Hardin	Morris
Harp	Reader of Bexar
Heflin	Winfree

Absent—Excused

Baker of Grayson

PAIRED

Mr. Celaya (present), who would vote "nay", with Mr. Reader of Bexar (absent), who would vote "yea".

Mr. Davis of Upshur offered the following amendment to the bill:

Amend House Bill No. 74, Section 3, by striking therefrom the following words: "And all persons not members of the State Bar are hereby prohibited from practicing law in this State".

On motion of Mr. Stinson, the amendment was tabled.

Mr. McDonald moved the previous question, on the engrossment of House Bill No. 74, and the motion was seconded.

Question recurring on the motion for the main question, it was lost.

Mr. Davis of Upshur offered the following amendment to the bill:

Amend House Bill No. 74, Section 5, by striking the period (.) from the end of said Section and substituting a semicolon (;) therefor and adding

the following: "and no person or lawyer whose residence is outside the county of said defendant shall be allowed to prefer charges or cause charges to be preferred, or testify against the defendant nor prosecute or assist in the prosecution."

On motion of Mr. Stinson, the amendment was tabled.

Mr. Davis of Upshur offered the following amendment to the bill:

Amend House Bill No. 74, Section 5, by striking out all of said Section except the first two lines.

(Speaker in the Chair.)

On motion of Mr. Stinson, the amendment was tabled.

Mr. Davis of Upshur offered the following amendment to the bill:

Amend House Bill No. 74, Section 7, by striking therefrom the following phrase: "That the Supreme Court be empowered to adopt and promulgate rules and regulations governing the legal profession".

Question—Shall the amendment by Mr. Davis of Upshur be adopted?

HOUSE BILL NO. 150 WITH SENATE AMENDMENTS

Mr. Hardeman called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 150, A bill to be entitled "An Act making an emergency appropriation out of any money in the State Treasury not otherwise appropriated for the operation, support and maintenance, include salaries of the officers and employees, of the Big Spring State Hospital, Big Spring, Texas, until September 1, 1939; for equipment and installation of same in the seven (7) buildings and the power plant of said Hospital; for the construction of a laundry and mattress factory and equipment therefor, for miscellaneous equipment and ground and other improvements for said Hospital, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Hardeman moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following conference committee on the part of the House: Messrs. Hankamer, London, Smith of Matagorda, Harris and Hardeman.

HOUSE BILL NO. 194 ON SECOND READING

The Speaker laid before the House, as a special order, on its second reading and passage to engrossment,

H. B. No. 194, A bill to be entitled "An Act authorizing the State Board of Barber Examiners to approve agreements fixing minimum prices for barber services and establishing opening and closing hours for barber shops; fixing territorial units for voting such agreement; providing for orders of the Board to remain in effect until replaced by new agreements; providing for the State Board to adopt and enforce rules and orders necessary to administer the Act; providing for the posting of rules or orders; prohibiting the advertising of prices; providing for practice and procedure of the Board with respect to investigations; providing for treatment by the Board of violations of this Act; providing for the Board to administer the provisions of this Act; regulating barber schools or barber colleges; providing for fine or imprisonment for violation of the provisions of this Act; providing for the suspension or revocation of licenses by the Board; and providing for appeal from action of the Board; providing for the payment of expenses of administration of this Act; providing for fees for permits and placing such fees in a special enforcement fund; providing that the provisions of this Act shall be cumulative; providing a saving clause; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Mr. Little moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion was lost.

Mr. Thornton offered the following amendment to the bill:

Amend House Bill No. 194, by adding a new Section to be known as Section 17-A, to read as follows:

"Section 17-A. It is specifically provided that neither this bill nor any

of the provisions thereof shall be construed as an amendment to or as an exception to the anti-trust laws of this State or the United States; provided further, that neither this bill or any of the provisions thereof shall be construed as repealing the anti-trust laws of this State of the United States."

The amendment was adopted.

Mr. Thornton moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Talbert offered the following amendment to the bill:

Strike out the words "State Senatorial District" wherever they occur in the line and substitute therefor the words "county of this State".

TALBERT,
LANGDON.

The amendment was adopted.

Mr. Talbert offered the following amendment to the bill:

Strike out the words "Senatorial District" wherever they occur and substitute therefor the word "county".

TALBERT,
LANGDON.

The amendment was adopted.

Mr. Talbert offered the following amendment to the bill:

Amend House Bill No. 194, page 2, by creating Section 3a, to read as follows:

"Provided the minimum price so set shall never exceed 40c for a haircut."

Mr. Broadfoot offered the following substitute for the amendment by Mr. Talbert:

Substitute for amendment to House Bill No. 194, by creating Section 3-A, to read as follows:

"Provided the minimum price for a haircut shall not be greater than 25c and for a shave 15c."

Mr. Mays moved that House Bill No. 194 be tabled.

Mr. Johnson of Ellis moved the 'previous question,' on the motion by Mr. Mays, the pending amendments, and the engrossment of House Bill No. 194, and the motion was not seconded.

Mr. Kern moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion was lost.

Question recurring on the motion to table House Bill No. 194, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—14

Bridgers	Howington
Broadfoot	Isaacks
Cauthorn	Kern
Chambers	Kersey
Davis of Jasper	Mays
Davis of Upshur	Voigt
Hankamer	Weldon

Nays—125

Allen	Hale
Allison	Hamilton
Alsup	Hardeman
Anderson	Hardin
Bailey	Harp
Baker	Harper
of Fort Bend	Harrell of Bastrop
Baker of Grayson	Harrell of Lamar
Bell	Harris
Blankenship	Hartzog
Bond	Heflin
Boyd	Holland
Boyer	Hull
Bradbury	Hunt
Bradford	Johnson of Ellis
Bray	Johnson of Tarrant
Brown of Cherokee	Keith
Brown	Kennedy
of Nacogdoches	Kerr
Bundy	Kinard
Burkett	King
Burney	Langdon
Celaya	Lehman
Clark	Leyendecker
Cleveland	Lock
Cockrell	Loggins
Colquitt	London
Colson, Mrs.	McAlister
Cornett	McDaniel
Corry	McDonald
Crossley	McFarland
Daniel	McMurry
Dean	McNamara
Derden	Mohrmann
Dickson	Monkhouse
Donaghey	Montgomery
Dowell	Morris
Dwyer	Newell
Faulkner	Nicholson
Felty	Oliver
Ferguson	Petsch
Fielden	Pevehouse
Galbreath	Piner
Gilmer	Pope
Gordon, Mrs.	Ragsdale

Reader of Bexar	Stinson
Reader of Erath	Stoll
Reaves	Talbert
Reed	Tarwater
Rhodes	Taylor
Riviere	Tennant
Roach	Thornberry
Roberts	Thornton
Robinson	Turner
Russell	Vale
Schuenemann	Waggoner
Segrist	Wells
Shell	Westbrook
Skiles	White
Smith of Frio	Wilson
Smith of Hopkins	Winfree
Smith	Wood
of Matagorda	Worley
Spencer	Wright

Absent

Coleman	Leonard
Dickison	Little
Fuchs	Olsen
Goodman	Pace
Howard	Vint

Mr. Fielden raised the following points of order:

Mr. Speaker:

I raise the following points of order against House Bill No. 194:

1. The bill violates Article 3, Section 56 of the Constitution of the State of Texas which states that, "The Legislature shall not pass any local or special law, authorizing the regulation of labor, trade, mining, manufacturing."

2. The bill violates Section 1 of the 14th Amendment of the Constitution of the United States in that it is class legislation and is a denial of equal protection and due process of law and improper restraint on freedom of contract.

To uphold point of order No. 2, I cite the following cases: *State vs. Ives*, 167 Southern Reporter, Section 7, page 395, wherein such statute imposing the Board of Barber Examiners to fix minimum prices to be charged by barbers was held unconstitutional as a denial of equal protection and due process of law and improper restraint of freedom of contract. (Acts, 1935, C. 16799; Const. Fla., Declaration of Rights, Eection 1; Const. U. S. Amend. 14).

I cite the case of the *City of Mobile vs. Rouse*, 173 Southern Reporter, page 254, Section 1, wherein "The

Court of Appeals of Alabama held that barbers not affected with public interest in such sense as to justify regulation of charges for services rendered, as in case of public utility."

Also Section 2 of same case whereby City Ordinance fixing minimum prices for barber services held unconstitutional as denying equal protection of laws by discriminating between barbers and others. (Const. U. S. Amend. 14).

FIELDEN.

Question—Shall the points of order be sustained?

MESSAGE FROM THE SENATE

Austin, Texas, February 14, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee to adjust the differences between the two Houses on House Bill No. 150.

The following have been appointed on the part of the Senate: Senators Roberts, Nelson, Lanning, Metcalfe and Spears.

Adopted

H. C. R. No. 36, Requesting the return of House Bill No. 296 to the House for further consideration.

Passed

H. B. No. 386, A bill to be entitled "An Act providing a closed season for fishing on Caddo Lake; a suitable penalty for violation of any provision of this Act; repealing all conflicting laws, and declaring an emergency." (With amendments.)

Respectfully,

BOB BARKER,

Secretary of the Senate.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 96, to the Committee on Counties.

Senate Bill No. 97, to the Committee on Counties.

Senate Bill No. 107, to the Committee on Criminal Jurisprudence.

Senate Bill No. 134, to the Committee on Education.

Senate Bill No. 178, to the Committee on School Districts.

RECESS

Mr. Fielden moved that the House recess until 10:00 o'clock a. m., tomorrow.

Mr. Reed moved that the House recess until 2:00 o'clock p. m., today.

Mr. Davis of Upshur moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion to adjourn, it was lost.

Question next recurring on the motion to recess until 2:00 o'clock p. m., today, it was lost.

Question then recurring on the motion by Mr. Fielden, it prevailed, and the House, accordingly, at 12:20 o'clock p. m., took recess until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Agriculture: House Bills Nos. 20, 149, 151, 405 and 406.

Judiciary: House Bills Nos. 5, 27, 28, 29, 31, 124 and 269; Senate Bill No. 105.

Penitentiaries: House Bill No. 310 and House Concurrent Resolution No. 32.

Criminal Jurisprudence: House Bill No. 407.

The following committees have filed adverse reports on bills, as follows:

Criminal Jurisprudence: House Bill No. 116.

Liquor Traffic: House Bill No. 146.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room.

Austin, Texas, February 14, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 36, Authorizing the return of House Bill No. 296 which

passed the House Friday, February 3, 1939, from the Senate for the purpose of a more thorough explanation and revision.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 14, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 43, A bill to be entitled "An Act defining a Commercial Taxidermist, and providing a license for any person, firm or corporation operating as such; providing for disposition of moneys collected as license fees; permitting the sale of hides, antlers and hoofs of deer lawfully killed in this State to Commercial Taxidermists; providing for the keeping of records by licensed taxidermists; repealing all laws in conflict with this Act; providing a suitable penalty for violation of any provision of this Act; declaring an emergency and the effective date of this Act."

Has carefully compared same and finds it correctly engrossed.

TURNER, Acting Chairman.

TWENTY-SECOND DAY

(Continued)

(Wednesday, February 15, 1939)

The House met at 10:00 o'clock a. m., and was called to order by Speaker Morse.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"May it please Thee, our Heavenly Father, to pardon our shortcomings and strengthen our good purposes, to the end that Thy righteous will may be done in us, and that we may acquit ourselves worthily in Thy sight. Consider our needs and bless us according to Thy grace. In Jesus' name. Amen."

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows: